

ERASTUS S. JOSLYN.

[To accompany Bill H. R. No. 635.]

APRIL 13, 1860.

Mr. WOODSON, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the petition of Erastus S. Joslyn, praying compensation for his donation land claim, situated in Washington Territory, taken and held by the government of the United States for the purpose of an Indian reservation, have had the same under consideration, and respectfully submit the following report:

It appears by the testimony in this case that the petitioner, under the provisions of the donation laws of Congress, had occupied a farm in Skamania county, Washington Territory, on the Columbia river, at its junction with the White Salmon, and proceeded to raise crops and put valuable improvements upon the land. He had made large sales of his produce, and from his facility of access, by steamboats plying upon the Columbia river, to the growing settlements at the Cascades and the Dalles, was deriving very remunerative profits, when the Indian war in Oregon and Washington Territories broke out. This compelled him and others to fly for their lives. After a short period of hostilities, peace was again restored, and in September, 1856, it became safe for the settlers to return to their homes. Mr. Joslyn was about to resume labor upon his farm, when the officers and agents of the Indian bureau took possession of it for a reservation for the Clickatat tribe of Indians, and have continued to hold it for that purpose. In so doing, however, they did not assume to question the title of the petitioner, but grounded their proceedings on what they conceived to be a public exigency, probably supposing that the government would promptly compensate Mr. Joslyn for the loss he thereby sustained. The superintendent of Indian affairs, by whose order these Indians were thus removed and located, makes the following statement to the Commissioner of Indian Affairs in relation to it, bearing date 4th November last:

“In August, 1856, I determined to remove the Indians occupying the country north of the Columbia river, from the Cathlapootle river to above the Cascades, to the White Salmon, and my orders were carried into effect by Agent Cain, assisted by Local Agent Townsend.

"These Indians resided principally in the vicinity of Vancouver and Cascade City. No previous treaty had been made with these Indians in regard to a cession of their lands. They were moved in consequence of the state of the country and the exigencies of the service. It was deemed indispensable to the well-being of the Indians and to the tranquillity of the settlements that they should be moved entirely out of the settlements to a situation offering facilities for their proper supervision, and where, in connexion with their own labor and exertions, the cost of securing them against want would be a minimum. All the facts of their removal have been reported by me officially to the department. But no report was made by me in the matter of Mr. Joslyn's land claim, for the reason that, up to the time of leaving office, I had no official information as to the value of the claim, or the value of its yearly rent.

"Although the Indians above referred to have not been treated with in the matter of a cession of their lands, yet the place to which they were moved, the White Salmon, does not lie upon land claimed by them, but is included in land ceded by the Yakima nation in the treaty at Walla-Walla, June, 1855. This treaty has not been confirmed by the Senate.

"Mr. Joslyn was obliged to abandon his claim in the fall of 1855 in consequence of the Indian war, and he has been prevented from returning to it in consequence of the Indian department occupying it as a reservation. I know him well, personally, and I know his claim personally. The statements made in the affidavits, as regards his business and the valuable character of his claim, I have no doubt are correct; in which connexion I do not mean to express an individual opinion as to the value of his claim. Those, however, who have given their opinion are personally known to me as men of intelligence and integrity.

"I am, sir, very respectfully,

"ISAAC I. STEVENS."

The material facts alleged by the petitioner are thus supported by the statement of the principal officer of the Indian department in Washington Territory, and are also verified by other and sufficient testimony filed in the case, and referred to in the brief of claimant's counsel. It is in proof that he performed the actual inhabiting and cultivation which the donation laws required; and that he was reaping large profits from his claim when this residence and cultivation were interrupted by war. It is sufficiently evident that it would have been soon after resumed by Mr. Joslyn, but for the appropriation of his land by the United States. The claimant alleges, in his affidavit, that he filed a notification of his claim, but this he was not required to do until after the government surveys were made; and it is in evidence that they have not yet been made.

Your committee are of opinion that Mr. Joslyn is fully entitled to a suitable indemnity for the seizure and occupation of his land by the government, and that his claim should be referred to the proper accounting officers of the Treasury Department for adjudication and settlement. They accordingly report a bill for that purpose.